

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
FWLL, LLC	§	BANKRUPTCY No. 15-52071-CAG
	§	
DEBTOR	§	CHAPTER 11 CASE
	§	

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**DEBTOR’S RESPONSE TO CANTU’S MOTION FOR REMAND, SEVERANCE AND FOR  
LEAVE TO LIFT THE STAY**

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**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

FWLL, LLC (“Debtor”), the Debtor and Debtor-in-Possession in the above captioned bankruptcy case (the “Case”), hereby files this *Response to Cantu’s Motion for Remand, Severance and for Leave to Lift the Stay* (the “Response”) to the *Motion for Remand, Severance and for Leave to Lift the Stay* [Dckt. No. 32](the “Motion”). In support of the Response, Debtor respectfully represents as follows:

**INTRODUCTION**

Movant Denise Cantu (“Movant”) filed a lawsuit against Debtor, FWLL-SATX, LLC, Stan Bates, and Shannon Smith on May 25, 2015. That case is styled and numbered *Denise Cantu v. FWLL-SATX, FWLL, LLC, Stan P. Bates and Shannon Smith*; Cause No. 2015-DCL-03164, In The District Court, 445th Judicial District, Cameron County, Texas (the “Cantu Lawsuit”). The Cantu Lawsuit is currently stayed, but still pending in the Cameron County District Court. Debtor generally objects to the Motion, as Movant has failed to provide any of the information required under the Local Rule 4001(a)(1)(A), requiring that a motion for relief from stay must state with specificity the facts that support the requested relief. The Motion

contains only two factual statements; Movant is a citizen of Harlingen, Texas and Debtor's principal office is in San Antonio. Therefore, Movant is not entitled to the requested relief.

**RESPONSE TO MOTION**

1. Admit.

2. Admit.

3. Paragraph 3 is a statement of legal conclusions for which no response is required; however, to the extent a response is required, Debtor denies the statements contained in paragraph 3. Furthermore, the relief requested by Movant in paragraph 3 is not available to Movant, as there is no case for this Court to remand. Debtor has not sought removal of the Cantu Lawsuit from the Cameron County District Court, so there is no suit for this Court to remand.

4. Paragraph 4 is a statement of legal conclusions for which no response is required; however, to the extent a response is required, Debtor denies the statements contained in paragraph 4. Furthermore, the relief requested by Movant in paragraph 4 is not available to Movant, as there is no case for this Court to remand. Debtor has not sought removal of the Cantu Lawsuit from the Cameron County District Court, so there is no suit for this Court to remand.

5. Paragraph 5 is a statement of legal conclusions for which no response is required; however, to the extent a response is required, Debtor denies the statements contained in paragraph 5. Furthermore, the relief requested by Movant in paragraph 5 is not available to Movant, as there is no case for this Court to either sever parties or remand. Debtor has not sought removal of the Cantu Lawsuit from the Cameron County District Court, so there is no suit pending before this Court to grant the requested relief.

6. Paragraph 6 is a statement of legal conclusions for which no response is required; however, to the extent a response is required, Debtor denies the statements contained in paragraph 6. Furthermore, Movant has not set forth any evidence that Movant would be entitled to relief from the automatic stay. Specifically, Movant has not set forth any facts that would satisfy the factors set forth in *In re Sonnax Indus., Inc.*, 907 F.2d 1280, 1285 (2d Cir. 1990), which would address the type of relief that appears to be sought by Movant. Debtor would also state that Movant's request for relief would be denied under the *Sonnax* factors.

WHEREFORE, the Debtor respectfully requests that the Court enter an order denying the request to lift the automatic stay and grant such other and further relief as may be just and proper.

Respectfully submitted,

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**PROPOSED ATTORNEYS FOR DEBTOR AND  
DEBTOR-IN-POSSESSION**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of October, 2015, a true and correct copy of the foregoing document was filed with the Court and served electronically upon those parties registered to receive electronic notice via the Court's CM/ECF system. I further certify that it has been transmitted by first class mail to the parties as set forth below.

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